

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 8	Number 4	Effective Date 01/07/11	Review Date 2014
Subject DEPARTMENT OF MOTOR VEHICLES (DMV) PROCEDURES			☐ New Order ☒ Replaces G.O. 8-4 (12/07/06)
References CALEA 61.1.12, 82.1.7 Virginia State Code 46.2-384, 46.2-105.2 City of Richmond Admin. Reg. 6.2 (2/1/07)			
 _____ Chief of Police or Designee		01/07/11 _____ Date	

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for requesting information from the Virginia Department of Motor Vehicles (DMV) for the issuance of the ***Driver's Record*** and for use of the photographic driver's license. This directive consists of the responsibilities and procedures for members of the Department.

II. POLICY

It is the policy of the Richmond Police Department to ensure that its employees are familiar with and comply with specific procedures and requirements of the DMV.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE**A. Requesting Information From The Department of Motor Vehicles:****1. Requests for Driver's Conviction Records:**

- a. As of July 1, 2010, the Department of Motor Vehicles will no longer process driver record requests from police department personnel.***

- b. The DMV copy (page 4) of the Uniform Traffic Summons shall remain in the officer's precinct and be forwarded to the designated VCIN operator.*
 - c. The designated VCIN operator will process all requests for driving records including making as-needed copies for officers to be used in court.*
 - d. Requests shall be filled out by the arresting officer when an apprehension is made or as soon thereafter as circumstances permit.
 - e. Retention and disposal of all printed copies shall be in accordance with the State Records Retention General Schedule 17 for Law Enforcement.*
2. Registration *and* License:
- a. Requests for vehicle registration or license information can be done by calling the Division of Emergency Communications (DEC) Teletype.
 - b. Arrests That Require Records From DMV:
 - 1) An immediate court date will be *set on* the same day if the court is in session and/or a judge is available to hear the case.
 - 2) If court is not in session or if the judge is not available, the case will be heard on the next day that the court is in session.
3. Accessing Information from D.M.V.:
- a. The Richmond Police Department has a signed "User Agreement" that allows access to information from any computer terminal with an interfaced mainframe connection switch for law enforcement purposes. This includes not only those computers housed within the Department buildings, but also the Mobile Data Computers (MDCs) located in Department vehicles. The statement is broadly interpreted in order for police personnel to be able to make maximum use of the information. To comply, it is essential that when a Department employee accesses the information on a vehicle or a person, he/she be able to connect it to a law enforcement purpose. As part of this user agreement, DMV prohibits the creation or utilization of any type of automated interface or other methodologies designed for the extraction, access, or manipulation of data contained in DMV's records.
 - b. In addition, Department members are advised that any citizen may request DMV to do a search to determine if anyone has accessed their motor vehicle record within the past three years. This search will reveal the access I.D. and password of the individual who accessed the record. If the citizen files a dissatisfaction claim, the Records Manager at DMV will then file a formal complaint with the Richmond Police Department to request that the Department conduct an investigation into the matter to determine the appropriateness of the information inquiry. If the inquiry was determined to be inappropriate or out of policy, the employee may be subjected to swift and stringent disciplinary action in accordance with Department policy and/or be subject to criminal prosecution.

B. Driver Deficiency Report:

1. Members of the Richmond Police Department *may occasionally* come into contact with persons whose mental, emotional or physical condition give serious rise to speculation that their ability to operate a motor vehicle safely is impaired. Members of the Department will utilize the Medical Review Request (MED 3) for reporting these deficiencies to the Department of Motor Vehicles.
 - a. Members will use this report only when there is a serious driver deficiency that appears to have contributed to a motor vehicle violation for which the vehicle's operator was stopped or to the probable cause of an accident, which the officer is investigating.
 - b. The report is to be used in, but is not limited to, the following situations:
 - 1) A physical impairment that likely contributed to the violation or accident that may have been caused by the inability of the driver to effectively operate the vehicle safely.
 - 2) Any mental impairment that likely contributed to the violation or accident and that endangered the public.
 - 3) Any medical impairment such as a blackout, a seizure or other problem that caused the vehicle operator to endanger the public. This includes elderly citizens *who* may have serious sight or hearing deficiencies.
 - c. After completing the report in duplicate, it is to be forwarded to the Traffic Unit. The Traffic Unit may place the report in the affected Precinct summons box or send through the inter-city mail.

C. *On-scene Procedures for Police Officers Utilizing a Driver Deficiency Report:*

1. The officer shall inform the driver that a Driver Deficiency Report will be submitted to DMV. He/she must explain the purpose of the report and that DMV will conduct a follow-up.
2. If the deficiency is such that allowing the operator to continue driving may possibly jeopardize his/her safety or that of others, the officer shall not allow the operator to drive away.
3. The officer shall attempt to contact a friend or family member to respond to the scene *to take* control of the vehicle and *ensure* the safety of the driver.
4. If there is no one to respond, the officer will ensure the safety of the driver by whatever means is available.
5. Should it become absolutely necessary for the vehicle to be towed, it shall be done per the request of the owner/driver and not the police.

V. FORMS

MED-3, Medical Review Request